

May 2, 2008

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E07G0463**

ROBERT AND DELORES STEVENSON
Code Enforcement Appeal

Location: 26004 Southeast 224th Street

Appellant: **Robert and Delores Stevenson**
26004 – 224th Street
Maple Valley, Washington 98038
Telephone: (206) 714-1456

King County: Department of Development and Environmental Services (DDes)
represented by **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6772
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

EXAMINER PROCEEDINGS:

Hearing opened:	May 1, 2008
Hearing closed:	May 1, 2008

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. A Notice and Order was issued by the King County Department of Development and Environmental Services Code Enforcement Section (DDES) to Delores Stevenson regarding property located at 26004 Southeast 224th Street in Maple Valley. The Notice and Order cites the property for clearing in excess of 7000 square feet and grading in excess of 100 cubic yards within a stream buffer. The Notice and Order asserts that no County permits were issued for this work. A timely appeal was filed by Robert Stevenson on behalf of himself and Delores Stevenson.
2. A public hearing on the Stevenson appeal was scheduled by the King County Hearing Examiner's Office for May 1, 2008. Robert and Delores Stevenson were present at the appeal hearing as was Holly Sawin representing King County Code Enforcement. The parties reported that they had agreed to resolve the Notice and Order appeal. DDES has agreed to dismiss the clearing citation while the Stevensons have stipulated that the grading citation is valid and will require remediation through a grading permit. As specified within the order below, the parties have agreed to a timeline for submitting the grading permit application.
3. In order to support a final decision on the Notice and Order appeal, documentary evidence was admitted to the record and testimony received. Ms. Sawin's testimony as to observing fresh fill on the site and as to its cubic yardage is sufficient to sustain the Notice and Order with respect to the alleged grading violation. Appellant Robert Stevenson stated for the record that he agreed that the grading violation cited in the Notice and Order was proper and correct.

CONCLUSIONS:

1. The evidence of record stipulated to by the parties is sufficient to sustain the Notice and Order citation for unlawful grading without required permits. DDES has withdrawn the citation for unlawful clearing.

DECISION:

The appeal is denied with respect to the citation within the Notice and Order for unlawful grading without required permits.

ORDER:

1. No penalties shall be assessed against the Appellants or their property if they meet the following deadlines:
 - A. Within 30 days of the date of this order, the Appellants schedule and attend a grading permit pre-application meeting; and
 - B. Within 90 days of the date of this order, the Appellants submit a complete grading permit application to remediate the grading violation cited within the Notice and Order.

2. DDES may assess penalties against the Appellants and the cited property retroactive to the date of this order if the deadlines specified above in condition no. 1 are not met, or if the remediation specified within the resultant grading permit is not completed within the deadlines specified therein.

ORDERED May 2, 2008.

Stafford L. Smith
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE MAY 1, 2008, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E07G0463.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin representing the Department and Robert and Delores Stevenson, the Appellants.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES staff report to the Hearing Examiner for E07G0463
Exhibit No. 2	Copy of the Stop Work Order issued by DenoBi Olegba, Code Enforcement Officer on November 6, 2007
Exhibit No. 3	Copy of the Appeal of the Stop Work Order dated November 20, 2007
Exhibit No. 4	Copy of the Notice & Order issued December 7, 2007
Exhibit No. 5	Copy of the Notice and Statement of Appeal received December 27, 2007
Exhibit No. 6	Copies of codes cited in the Notice & Order
Exhibit Nos. 7b-7e	Photographs of subject property

SLS :vsm
E07G0463 RPT